

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF OKLAHOMA

The Honorable Tom R. Cornish

INSTRUCTIONS GOVERNING EVIDENTIARY HEARING PROCEDURE
IN CONTESTED MATTERS

PLEASE READ CAREFULLY

INTRODUCTION:

This instruction sheet is intended to give guidance to counsel involved in an Evidentiary Hearing of a "contested matter" pursuant to Rule 9014, Fed. R. Bankr. P. before this Court as to what is expected at an evidentiary hearing. The rules and instructions contained herein shall bind the parties as if included in the Local Rules of the Court. Neither counsel nor the parties may deviate from the mandatory rules without leave of the Court.

A. Evidentiary Hearing:

Evidentiary Hearing shall be conducted at the date and time prescribed by the Court. The following instructions shall govern the conduct of the parties at evidentiary hearing:

- 1) Five (5) days prior to the evidentiary hearing, counsel shall have marked all exhibits. Movant's exhibits shall be marked numerically; Respondent's exhibits shall be marked alphabetically. Counsel shall exchange and file Witness and Exhibit Lists with the Court five (5) days prior to the evidentiary hearing. Simultaneously, counsel shall provide all copies of the exhibits to opposing counsel and two copies to the Judge.
- 2) During the evidentiary hearing, copies of the exhibits shall be accepted by the Court Recording Deputy upon introduction and admission and will not be returned to counsel.
- 3) If the parties have stipulated to the admission of exhibits, the parties shall so inform the Court at the evidentiary hearing. Such stipulation is encouraged by the Court.
- 4) Counsel shall have prepared the exhibits in sequential order of intended introduction at evidentiary hearing prior to the time scheduled for evidentiary hearing. If delay in evidentiary hearing should occur due to counsel's failure to properly prepare for evidentiary hearing, sanctions against said counsel may result.

B. Record of the Evidentiary Hearing:

The official record of the evidentiary hearing is taken by electronic sound (audiotape) recording. Microphones are placed at strategic locations in the Courtroom. Counsel can take a number of steps to facilitate the record taking in the Courtroom:

- 1) Give a business card to the person operating the electronic recording equipment (the Court Recording Deputy);
- 2) When speaking on the record, make certain that you talk directly in front of a microphone;
- 3) At the beginning of the evidentiary hearing, identify yourself at a microphone and spell your name for the record;
- 4) Make certain that all witnesses which counsel calls to testify identify themselves clearly and spell their names;
- 5) Make certain that verbal responses are elicited from witnesses;
- 6) If any witnesses will present testimony containing unusual or technical vocabulary, prepare a list of such names and terms for the Court Recording Deputy.

For the convenience of counsel, a remote readout indicator (index counter) is located on the Bench. Counsel may write down the index numbers as an aid to locating a portion of the record to which you may wish to refer or playback as needed.

Also, the index counter may be used to identify portions of the record which counsel may want duplicated or transcribed for appeal purposes or otherwise.

Copies of the audiotape or of a transcript of the record may be obtained from the Court Recording Deputy by submitting the appropriate order forms. These forms are available from the Court Recording Deputy.

UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF OKLAHOMA

WITNESS & EXHIBIT INSTRUCTIONS FOR ATTORNEYS

WITNESS LIST: Use Eastern District Bankruptcy Form provided	(1) Copy to Opposing counsel	Original (Signed) to U.S. Bankruptcy Court	(3) Copies to U.S. Bankruptcy Court
EXHIBIT LIST: Use Eastern District Bankruptcy Form provided	(1) Copy to Opposing counsel	Original (Signed) to U.S. Bankruptcy Court	(3) Copies to U.S. Bankruptcy Court
EXHIBITS: Exhibits will not be returned. Do not submit Originals to the Court. Plaintiff's Exhibits are marked numerically. Defendant's Exhibits are marked alphabetically.	(1) Marked copy to Opposing counsel	(2) Marked copies to Opposing counsel	(1) Marked copy to Court Recording Deputy upon introduction and admission at the trial or hearing

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

IN RE:

Debtor(s).

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Case No. _____

WITNESS LIST

DATE OF HEARING		OPERATOR				PAGE NO.
WITNESS NO.	NAME	DIRECT	CROSS	REDIR	RECROSS	JUDGE

Respectfully Submitted,

By _____

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

IN RE:

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Debtor(s).

Case No. _____

EXHIBIT LIST

DATE OF HEARING		OPERATOR		PAGE NO.
EXHIBIT NO.	DESCRIPTION	ID	ADMIT	REJECT/WD

Respectfully Submitted,

By _____